

## **Exhibit B**

REDACTED

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

(Please print or type)

Name of Customer: Gary L. Harnick

Mailing Address: 8546 Great Meadow Drive

City: Sarasota State: Fl Zip: 34238

Account No.: 1-H0121

Taxpayer I.D. Number (Social Security No.): -9210

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

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**1. Claim for money balances as of December 11, 2008:**

- a. The Broker owes me a Credit (Cr.) Balance of \$ 0.00
- b. I owe the Broker a Debit (Dr.) Balance of \$ 0.00
- c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, it must be enclosed  
with this claim form. \$ 0.00
- d. If balance is zero, insert "None." None

2. Claim for securities as of **December 11, 2008**:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

	<u>YES</u>	<u>NO</u>
a. The Broker owes me securities	<u>✓</u>	<u>        </u>
b. I owe the Broker securities	<u>        </u>	<u>✓</u>
c. If yes to either, please list below:		

Date of Transaction (trade date)	Name of Security	The Broker Owes Me (Long)	I Owe the Broker (Short)
See Nov. 30, 2008 1-H0121 statements, attached hereto as Exhibit A.			
\$816,488.43	(market value of securities long, per 1-H0121-3 statement)	<u>        </u>	<u>        </u>
28,050.00	(market value of securities long, per 1-H0121-4 statement)	<u>        </u>	<u>        </u>
(39,610.00)	(market value of securities short, per 1-H0121-4 statement)	<u>        </u>	<u>        </u>
<b>Total</b>		<u>        </u>	<u>        </u>

**Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.**

See Exhibits A and B, and documents submitted herewith.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	_____✓
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	_____✓
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	_____✓
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	_____✓
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	_____✓
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	_____	_____✓
9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.	_____	_____✓

Please list the full name and address of anyone assisting you in the preparation of this claim form: Kent Bronson, Esq.,  
Milberg LLP, One Pennsylvania Plaza, New York, NY 10119

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 6/26/09 Signature Harry P. Picard

Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly,  
together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Exhibit A

Affiliated with  
Madoff Securities International Limited  
12 Berkeley Street  
Mayfair, London W1J 8DT  
Tel 020 7493 6222

885 Third Avenue  
New York, NY 10022  
(212) 230-2424  
800 334-1343  
Fax (212) 838-4061

**BERNARD L. MADOFF**  
INVESTMENT SECURITIES LLC  
New York ☐ London  
\*\*DUPLICATE\*\* FOR ACCOUNT NTC & CO.  
GARY L HARNICK

8546 GREAT MEADOW DRIVE  
FL 34238  
SARASOTA

11/30/08  
\*\*\*\*\*6253  
1-H0121-3-0

DATE	ACCOUNT NO.	DESCRIPTION	AMOUNT	CREDIT	DEBIT	BALANCE
11/12		BALANCE FORWARD				47,726.05
11/12	8050	EXXON MOBIL CORP	72.880			
11/12	8552	INTEL CORP	14,510			
11/12	21529	COCA COLA CO	44,660			
11/12	25855	MCDONALDS CORP	55,370			
11/12	38833	ORACLE CORPORATION	17,300			
11/12	51811	PEPSICO INC	56,410			
11/12	56639	ABBOTT LABORATORIES	54,610			
11/12	60463	PROCTER & GAMBLE CO	64,080			
11/12	65291	BANK OF AMERICA	21,590			
11/12	69115	QUALCOMM INC	33,770			
11/12	73943	COMCAST CORP	16,510			
11/12						10,128.12

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11/12	1,207	77767	AT&T INC	27	32,637.00	
11/12	306	78269	CONOCOPHILIPS	52	15,080.06	
11/12	1,241	82595	CISCO SYSTEMS INC	16	20,810.93	
11/12	357	86410	U S RANCORP	29	10,556.21	
11/12	204	93772	UNITED TECHNOLOGIES CORP	25	18,922.84	
11/12	2,159	91247	GENERAL ELECTRIC CO	19	42,467.17	
11/12	578	95071	VERIZON COMMUNICATIONS	30	17,599.98	
11/12	1,144	99844	WELLS FARGO BANK	27	18,000.00	
11/12	510	99899	HEWLETT PACKARD CO	34	17,819.00	749,570.00
11/12	750,000	22009	U S TREASURY BILL	99	936	45.99
11/12			FIDELITY SPARTAN	DIV		
11/12			U S TREASURY MONEY MARKET			
11/12			FIDELITY SPARTAN			
11/12	16,541	26477	U S TREASURY MONEY MARKET	1	16,541.00	40,500.00
11/12			FIDELITY SPARTAN			
11/12			U S TREASURY MONEY MARKET			8.03
11/12			DIV 11/19/08			
11/12			CONTINUED ON PAGE 9			



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DATE	DESCRIPTION	AMOUNT	DEBIT	CREDIT	BALANCE
11/19	FIDELITY SPARTAN U S TREASURY MONEY MARKET	16,541	51861	1	16,541.00
11/19	FIDELITY SPARTAN 3/26/2009	17,512	60900	1	17,512.00
	NEW BALANCE				95,224.04
	ABBOTT LABORATORIES ANGEN INC	323 221		52,390 55,540	
	CHEVRON CORP CISCO SYSTEMS INC	425 1,241		79,010 16,540	
	COMCAST CORP FLA	612		17,340	
	GENERAL ELECTRIC CO	2,159		17,170	

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51	GOOGLE	292.960		
510	HEWLETT PACKARD CO	35.280		
297	INTERNATIONAL BUSINESS MACHS	31.660		
765	J.P. MORGAN CHASE & CO	58.530		
561	JOHNSON & JOHNSON			
1,615	MICROSOFT CORP	20.220		
316	ORACLE CORPORATION	16.090		
425	PHILLIP MORRIS INTERNATIONAL	42.160		
612	PROCTER & GAMBLE CO	64.250		
17,512	FIDELITY SPARTAN	1		
50,000	U.S. TREASURY MONEY MARKET			
204	UNITED TECHNOLOGIES CORP	48.530		

[illegible]



[illegible]

Exhibit B

**EXHIBIT B**

1. This Claim Form, exhibits, and supporting documentation (collectively "Claim Form") is submitted pursuant to the December 23, 2008 Order of the Honorable Burton R. Lifland and the instructions disseminated by Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC ("Trustee"), on December 11, 2008.
2. The information provided in the Claim Form is based on information provided in the Claimant's latest Madoff account statement and any additional information known by the Claimant as of the date of the submission of the Claim Form. The Claimant reserves the right to amend and/or supplement this Claim Form upon the receipt of further information, or upon request by the Trustee for additional information.
3. The Claimant reserves the right to amend the Claim Form in the event of any recoveries by the Trustee or any other party under the avoidance powers of the Bankruptcy Code or otherwise, or in the event of rejections of executory contracts pursuant to Bankruptcy Code Section 365, whether such amendments are made pursuant to Bankruptcy Code Sections 105, 502(g), or 502(h), Bankruptcy Rule 3002(c)(3), (4), other provisions of applicable bankruptcy law, or general principles of law or equity.
4. The Claimant hereby requests that the Claim Form additionally be considered as a proof of claim, as a general creditor or otherwise, in *In re Bernard L. Madoff Investment Securities LLC*, No. 08-01789 (Bankr. S.D.N.Y.).
5. This Claim Form is required to be submitted pursuant to the Court's January 2, 2009 Order and the Trustee's instructions to the Claimant. To the extent permitted by applicable law, the Claimant does not, by submitting the Claim Form, consent to the jurisdiction of the Bankruptcy Court nor does Claimant waive any right to trial by jury.
6. The Claimant reserves all rights, claims, and/or defenses as to and/or against any and all parties potentially liable for the losses sustained by the Claimant, including, without limitation, Bernard L. Madoff Investment Securities LLC and its owners, partners, employees, and affiliates, as well as any potentially liable third parties including, without limitation, investment advisors, "feeder funds," accountants, and auditors.
7. The Claimant further reserves all rights, claims, and/or defenses as to and/or against any persons and/or creditors asserting claims against Bernard L. Madoff Investment Securities LLC, its employees, owners, and/or affiliates, in bankruptcy or otherwise.

8. The Claimant reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever, notwithstanding the submission of any such information to the Trustee.
9. To the extent the Claimant has disclosed to the Trustee documents containing accounting and/or legal advice, the Claimant does not waive any potential privileges applicable thereto.
10. The Claimant reserves all rights with respect to submitting information to the Internal Revenue Service regarding gains, losses, and/or theft of assets.
11. The Claim Form and supporting documents contain confidential information. The Claimant submits this information to the Trustee subject to the condition that this information will not to be disclosed to any third parties, other than under seal to the Court, absent the Claimant's express consent or Court order.
12. To the extent the BMIS account for which this Claim Form is submitted contains or purports to contain funds from a "predecessor" or other BMIS account, the Claimant reserves all rights, claims, and defenses as to any such predecessor or other BMIS account. To the extent necessary or appropriate, this Claim Form is likewise submitted as a claim for and on behalf of any such predecessor or other BMIS account.
13. The Claimant submits herewith documents (Exhibit A) in support of the Claimant's claim. The Claimant reserves any arguments that such documents are not relevant to the Trustee's inquiry. The Claimant further reserves the right to supplement this submission, including the submission of additional documents, if deemed necessary.

Claimant: Gary L. Harnick - Acct # 1-H0121